

Welcome to

# Ask DDS Day 2018



**GEORGIA DEPARTMENT OF DRIVER SERVICES**

**May 2, 2018**



# **The 3 Cs: Courts, Clerks and Citations**

**Presented by Angelique McClendon & Kila Johnson**

- 
- ▶ Timely and Accurate Reporting
  - ▶ Failure To Appear (FTA)
  - ▶ Points
  - ▶ Nolo Contendere Pleas
  - ▶ Commercial Driving Disqualifications
  - ▶ GECPS

# Importance of Timely, Accurate Reporting

- ▶ It's the LAW
  - O.C.G.A. § 40-5-53
  - w/in 10 days
- ▶ Untimely reporting results in:
  - Bad press
  - Undeserved consequences for drivers:
    - Jail
    - Erroneous commercial disqualifications
- ▶ Federal audits
  - Loss of federal funds
- ▶ Communicate with DDS prior to sending untimely batches



# Failure to Appear (FTA)

(§40-5-56, §17-6-11)

## Court Actions

- ▶ Prior to July 1, 2017:
  - No legal requirement for the court to provide notice of FTA or a “grace period”
- ▶ After July 1, 2017:
  - (SB 176) Courts must provide 30 days notice for most offenses prior to sending FTA to DDS

## DDS Actions

- ▶ No changes
- ▶ Notice to driver via certified mail
- ▶ Allow 28 days to resolve the FTA with the court before license suspension
- ▶ No reinstatement fee if resolved w/in 28 days or if sent to DDS in error by the court

# FTA and Bench Warrant Changes (SB 176)

- ▶ New procedures do not apply to mandatories or “Serious Traffic Offenses” in Title 40, Chapter 6:
  - Reckless Driving, DUI, Vehicular Homicide, Serious Injury by Vehicle, Fleeing, Aggressive Driving
  - Hit and Run not included (so new rules apply)
- ▶ Deter added punishments for minor offenses
- ▶ Ensure that driver has chance to resolve issues with the court first


# Failure To Appear (FTA) Records

## ▶ Georgia Residents

- ▶ 28-day period before FTA goes into effect
  - Date DDS processes FTA + 28 days
  - Adhere to SB176
- ▶ “Pending suspension” with future effective date
- ▶ “Valid” status

# Failure To Appear (FTA) Release

- ▶ Received within 28 days
  - Court should report immediately
  - No Reinstatement fee
  - No License suspension
- ▶ 29<sup>th</sup> day at 12am
  - Reinstatement Fees
  - License Suspension
- ▶ Release must be identical to initial FTA
- ▶ Needs to be transmitted daily



**GEORGIA  
NONRESIDENT  
VIOLATOR COMPACT**

☐ FAILURE TO APPEAR  
☐ D/L IN LIEU OF BAIL  
☐ D/L AS COLLATERAL (MISDEMEANOR)

**NOTICE OF WITHDRAWAL OF SUSPENSION**  
A SUSPENSION IMPOSED FOR THIS VIOLATION MAY BE WITHDRAWN

The conditions of this suspension have been met.

Authorized Signature \_\_\_\_\_ Date Settled \_\_\_\_\_

V I O L	CITATION NO.	CASE NO.	CITATION DATE	TRIAL DATE	NATIVE CODE [CODE SECTION VIOLATED]
	DESCRIPTION OF VIOLATION		LOCATION OF VIOLATION		FINE AND COSTS
	JURISDICTION <b>GA</b>	COL. HOLDER? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	COMMERCIAL VEHICLE <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	IF CIV. HAZMAT PRESENT? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	ACD CODE <b>D45</b> ACD DETAIL (FOR DOS USE ONLY)
	COURT TYPE (SEE REVERSE)				
D E F E N D A N T	DRIVER'S LICENSE NUMBER		STATE	DATE OF BIRTH	
	NAME LAST		FIRST	MIDDLE	SEX
	STREET ADDRESS				
	CITY STATE ZIP CODE				
V E H	REGIS. (TAG) NO.		STATE	YEAR	MAKE MODEL

C O U R T  I N F O	NAME OF COURT		COURT NOIC #	
	MAILING ADDRESS			
	CITY		STATE	ZIP CODE
	TELEPHONE (AREA CODE AND NUMBER)			
CERTIFIED BY: _____ DATE _____				

NOTE: THERE MAY BE A REINSTATEMENT FEE IMPOSED  
HOME JURISDICTION—SUSPENSION WITHDRAWAL

DS-912 (1/06)



# Important Notice

- If a Georgia's driver license has been officially suspended for an FTA, a court indication of clearance only advises DDS that the FTA has been resolved with the court. This does not remove the license suspension
- The suspension will remain in effect indefinitely until the driver remits the required reinstatement fee to DDS



# Points (O.C.G.A. § 40-5-57)

1 <sup>st</sup> suspension w/in 5 yrs	2 <sup>nd</sup> suspension w/in 5 yrs	3 <sup>rd</sup> suspension w/in 5 yrs
1 year	3 years	2 years
Early reinstatement after 120 days w/ defensive driving & reinstatement fee (\$200)	Early reinstatement after 120 days w/ defensive driving & reinstatement fee (\$300)	No early reinstatement option

# Points (O.C.G.A. § 40-5-57)

1 point	2 points	3 points	4 points	6 points
child safety restraint (1 <sup>st</sup> )	Speeding (>14 - <19)	Speeding (19- <24)	Reckless Driving	Aggressive Driving
Wireless device violation	Open container	Disobedience of traffic control device or officer	Improper passing on hill or curve	Unlawful passing of school bus
Texting & Driving (1 <sup>st</sup> )	Accident (failure to secure load)	All other moving violations ≠ speeding	Speeding (24 - <34)	Speeding (>34)
	Child Safety restraint (2 <sup>nd</sup> or more)			
	Texting & Driving (2 <sup>nd</sup> )	Texting & Driving (3 <sup>rd</sup> )		

# Reducing or avoiding points

## ▶ *Nolo Contendere*

- Will not avoid the Super Speeder \$200 fee or a commercial license disqualification

## ▶ Zero-Point Orders

- Complete an approved Defensive Driving Course prior to adjudication for zero points and 20% reduction in the fine - O.C.G.A. § 40-5-57(c)(1)(C)
- Will not avoid the Super Speeder \$200 fee

## ▶ Points Reduction

- Submit a certificate of completion of an approved Defensive Driving Course to DDS for a reduction of seven (7) points – O.C.G.A. §40-5-86



# Nolo Contendere Pleas

- ▶ DDS will accept one plea of *nolo contendere* for a moving traffic violation in any five year period without assigning points to the driving record.
- ▶ Subsequent *nolo* pleas will result in the assessment of points against the driving record.
- ▶ The court will determine in which cases it can or cannot, or will or will not, accept a plea of *nolo contendere*.

# *Nolo Contendere* Pleas (cont'd)

- ▶ DDS will accept one plea of *nolo contendere* for each of the following offenses in any five year period without suspending the license:
  - Driving on a Suspended or Revoked License (40-5-121)
  - No Insurance or No Proof of Insurance (40-6-10)
  - Suspended Tag/Registration (offenses after July 1, 2015)
- ▶ Subsequent convictions within 5 years will result in the suspension of the driver's license.

# *Nolo Contendere* Pleas (cont'd)

Moving violation ✓

Driving on a Suspended or Revoked License (40-5-121) ✓

No Insurance or No Proof of Insurance (40-6-10) ✓

Suspended Tag/Registration (offenses after July 1, 2015) ✓

# Amending Traffic Convictions

- ▶ Court has unlimited discretion w/in 90 days of conviction
- ▶ After 90 days: motion, notice to prosecutor, hearing
  - strict compliance with O.C.G.A. § 40-13-32
- ▶ Restrictions do not apply to correction of typographical clerical errors on sentence
  - DS-1195 Court Correction Form
- ▶ **Must make all challenges to traffic convictions within 180 days**

*“Any challenge to a traffic conviction must be made within 180 days of the date the conviction becomes final, and the failure to do so divests the court of jurisdiction.”*

*Jeter v. State, 269 Ga. App. 266, 266 (2004)*



# Commercial Driving Disqualifications

- ▶ Commercial disqualifications are generally triggered by traffic-related offenses. These offenses (and the corresponding disqualifications) are divided into 4 distinct categories:
  - Major Traffic Violations
  - Serious Traffic Violations
  - Out-of-Service Order Violations
  - Railroad Grade Crossing Violations
- ▶ Reference §40-5-142 and §40-5-151
- ▶ separate from non-commercial driving privilege
- ▶ Unless specified, penalties apply even if driver is not in commercial vehicle.
- ▶ Neither a *nolo* plea nor first offender treatment will avoid commercial driving disqualification.

## Major Violations

- ▶ DUI – 40-6-391
- ▶ Hit and Run/Leaving the scene - §40-6-270
- ▶ Striking an unattended vehicle - §40-6-271
- ▶ Striking a fixed object - §40-6-272
- ▶ Failure to report an accident - §40-6-273
- ▶ Any felony in the commission of which a mv is used
- ▶ Driving a CMV while CDL is revoked, suspended, canceled or disqualified - §40-5-146
- ▶ Homicide by vehicle - §40-6-393
- ▶ Racing on the streets and highways - §40-6-186

## Serious Violations

- ▶ Speeding 15 or more mph over the posted limit - §40-6-181, §40-6-188, or §40-6-160
- ▶ Reckless Driving - §40-6-390
- ▶ Improper or Erratic lane change (including failure to signal a lane change) - §40-6-48
- ▶ Following too closely - §40-6-49
- ▶ Any traffic violation in connection with a fatal accident (but excluding Homicide by Vehicle)
- ▶ Railroad Grade Crossing Violation if committed in a non-commercial motor vehicle (a GA only disqualification)
- ▶ Operating a CMV without obtaining a CDL - §40-5-146(a) or §40-5-151(f)
- ▶ Operating a CMV without a CDL in the driver's immediate possession - §40-5-146(a)
- ▶ Operating a CMV without the proper class and/or endorsements for the specific vehicle being operated or for the passengers or cargo transported - §40-5-150
- ▶ Use of a wireless telecommunications device in violation of §40.6.241.2 while driving a CMV

# CDL consequences

## Serious Offenses

- ▶ A disqualification will be imposed for any conviction of the above offenses when they occur within a 3-year period measured between the violation dates for which the convictions were obtained.
- ▶ 1st Conviction = no disqualification;
- ▶ 2nd Conviction = 60 days;
- ▶ 3rd or Subsequent Conviction = 120 days.
- ▶ Will run consecutively to any other Serious Commercial Disqualifications on the record.

## Major Offenses

- ▶ Use of a mv in the commission of a felony involving the manufacturing, distributing, trafficking or dispensing of a controlled substance = lifetime disqualification
- ▶ For a first conviction, if the offense occurred in a CMV that was transporting quantities of hazardous material sufficient to require a placard = a 3 year disqualification
- ▶ For all other convictions:
  - *1st Conviction = 1 year disqualification of all commercial driving privileges*
  - *2nd Conviction = lifetime disqualification of all commercial driving privileges*

# Masking



- ▶ What is masking?
  - ▶ States cannot prevent a CLP or CDL holder's conviction for any violation, in any type of motor vehicle, of a State or local traffic control law from appearing on a CDL record
    - Diversion programs
    - Routine, baseless dismissals or reductions
  - ▶ 49 C.F.R. 384.226



# Georgia Electronic Conviction Processing System

- ▶ Commonly referred to as GECPS
- ▶ Secure system that provides the courts the ability to submit convictions in a standard, electronic format (HB 501 & 1253).
- ▶ Ensures courts have a means of reporting to DDS within 10 days of disposition date

# GECPS Benefits

- ▶ Elimination of duplicate data entries
- ▶ Elimination of manual filling out of DDS-912 forms
- ▶ Quicker processing for corrections
- ▶ Faster turnaround for posting convictions to driving records
- ▶ Reduction in paperwork

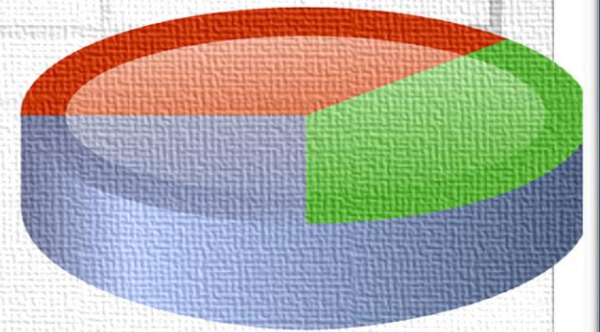
# GECPS Testing

- ▶ New GECPS process
- ▶ Courts transmitting to GECPS currently
  - New Vendor
  - Large volume of errors
  - Software upgrade
  - During testing, data is not downloaded to driving records

**Number of Vendors: 182**

**Citations for 2017: 120,594**

**Number of GA Courts: 901**



# Input File Naming Conventions

▶ “StateCodeNCIC\_BatchNumber.txt”

▶ Example

GA123456J\_0000000001.txt

- Use leading zeroes if necessary
- Multiple files – Each file must have unique batch #



# Output File Naming Conventions

- ▶ “StateCodeNCIC\_BatchNumber\_err.txt”

- ▶ Example

GA123456J\_0000000001\_err.txt

Remove “\_err” before retransmitting

# GECPS Email Notifications

- ▶ System generated and confirms the status of batches sent nightly
- ▶ Notification can be sent to up to 3 e-mail addresses and needs to be provided to the software vendor
- ▶ Error corrections should be effected immediately to ensure adherence to the 10-day reporting requirement
- ▶ E-mail notifications will provide a breakdown of batches sent

# Common Errors with Field Names

- ▶ No Driver's License #: Format spaces
- ▶ Filler: Leave blank
- ▶ Commercial Vehicle: Y = Yes, N = No
- ▶ Commercial Driver Flag:  
Commercial Licensed Driver? Y = Yes, N = No
- ▶ Disposition Date
  - Also known as Clearance Date
  - Date when driver is released from FTA
- ▶ Trial Date
  - Date when driver failed to appear in court

## ***Common Error Codes***

*2002: Driver Not Found*

*2063: Failed to locate violation using information provided*

# Common Court Issues





# Common Court Issues

- ▶ Courts not logging into SFTP accounts for 120 days or more which causes the accounts to be deactivated for inactivity
- ▶ Courts not notifying GECPS management when a change in vendor takes place
- ▶ Courts not sending citations, convictions, FTAs or FTA releases by mail when electronic system is unavailable due to account lockout
- ▶ Recycling of batch numbers when batches require unique numbers
- ▶ Error files not being corrected within the 10-day time frame
- ▶ Not submitting convictions within 10 days of disposition dates

# Common Court Issues (cont'd)

- ▶ Using wrong NCIC numbers (GECPS batches should not be transmitted using a Police Department's NCIC number)
- ▶ Courts not notifying GECPS management when a change in vendor takes place
- ▶ It is the responsibility of the court to advise GECPS management of a change in vendor and that testing is required
- ▶ Courts should advise GECPS when testing commences and concludes to restore court production mode
- ▶ Courts failing to notify GECPS management of system crashes and inability to submit batches electronically

# DDS GECPS Website



**DDS** GEORGIA DEPARTMENT  
OF DRIVER SERVICES

## Georgia Electronic Conviction Processing System

**Effective Sept. 11, 2017, access to the GECPS website requires a separate account for each user. Users will no longer be able to use NCIC / ORI numbers to log in to the website.**

**For courts that have submitted their Initial Registration information to GECPS before Sept. 8, 2017 use the new User ID / password that was e-mailed to each user. Courts that have not submitted registration information before Sept. 8, 2017 should contact [GECPS@dds.ga.gov](mailto:GECPS@dds.ga.gov) for instructions on how to obtain accounts for the new GECPS website.**

Welcome to the GECPS site. Our goal is to provide clear and timely information and better service to our court customers. Please visit this site often, as it will contain the most current information from our agency regarding the electronic processing of convictions.

## EXISTING GECPS USERS

Please **LOGIN** to **Access your Court Account, Update your Court Contact Information or Review the Implementation Guide.**

ACCOUNT LOGIN >>

## NEW COURT CONTACT INFORMATION

All courts are requested to submit their contact information to DDS even if they are not yet ready to register for GECPS. This process will allow us to provide your court with the most up-to-date information via e-newsletters and e-broadcasts informing your court about new legislation and how it would affect future court business. Please provide your court contact information before registering for GECPS.

Courts that have already registered for GECPS but are NOT in production must contact DDS support at [GECPS@dds.ga.gov](mailto:GECPS@dds.ga.gov)

## GECPS SPECIFIC INFORMATION

- [GECPS Overview](#)
- [Frequently Asked Questions](#)
- [NCIC / ORI Numbers](#)
- [Short-term filing of hard-copy Convictions by Electronic Courts](#)

# Transmitting to DDS

- ▶ I need user name or password for transmitting to DDS.....
- ▶ Email [gecps@dds.ga.gov](mailto:gecps@dds.ga.gov) and include the following:
  - NCIC #
  - Court Name
  - Contact Name and Phone Number



# GECPS Resources

- ▶ [www.dds.georgia.gov](http://www.dds.georgia.gov)
- ▶ Implementation Guide
- ▶ Traffic Court Reference Manual 7/2015
- ▶ Court Contact List updated 7/2016
- ▶ Reports
- ▶ FAQs
- ▶ DDS GECPS Team

# Questions

We welcome your suggestions,  
questions or comments.

Email: [gecps@dds.ga.gov](mailto:gecps@dds.ga.gov)

Phone: 678-413-8434 or 8558

# Thank You!

